awards at the prestigious FIRST [For Inspiration and Recognition of Science and Technology] competition held April 10–12 in Orlando, FL.

The Central/Delphi team received the tournament trophy as a finalist in the robotics competition, and the team also won the competition's highest honor, the Chairman's Award, given to the most comprehensive school-corporate partnership program among the 155 competitors. As Chairman's Award winners, the team will be honored by President Clinton at a Rose Garden reception.

The Central/Delphi FIRST team helps to open young minds to science, mathematics, and technology. Pontiac Central students also have an opportunity to work at Delphi during the summer, which helps them continue learning outside of school and gain valuable on-the-job training. The innovative CADET program, an extension of Central/Delphi FIRST, uses unique activities to promote the fun of math, science and technology to students at seven elementary and junior high schools. As the presenter of the Chairman's Award said, ''The judges believe that this team has turned many children on to science and math. Through their strong partnership, FIRST became the avenue for an entire school of talented students to reach personal success.''

The success of the Central/Delphi team and the FIRST program in general is a powerful example of what educators and corporations can do to improve opportunities for our young men and women. I commend Delphi Interior and Lighting for their commitment to education. I am proud of the talented students who achieved so much at this prestigious competition. I hope my colleagues will join me in congratulating the young men and women of Pontiac Central High School and the employees of Delphi Interior and Lighting for their achievements at the sixth annual FIRST competition.

CHEMICAL WEAPONS CONVENTION

● Mr. KYL. Mr. President, everyone agrees that ridding the world of chemical weapons is a noble and worthy goal to pursue. These are weapons that no nation should have in its stockpile—and that includes the United States. By law, the U.S. stockpile will be destroyed whether or not the Chemical Weapons Convention [CWC] is ever ratified by the Senate. Opponents of the Convention support that action.

Notwithstanding agreement on the goals of the CWC, we do not believe that this treaty can ever achieve the goals. It will not accomplish its objective of being global, verifiable, and effective ban on these weapons. Moreover, because of deficiencies in the treaty—which, by its terms, adopting parties must ratify wholesale without amendment—we believe the United States is better off without the CWC than with it. As a result, we could not support ratification absent certain certifications by the President prior to deposit of our instrument of ratification.

Faced with the fact that the treaty is largely unverifiable, some ratification supporters argue that no treaty is 100 percent verifiable, and that, while not perfect, the CWC is better than nothing, especially since chemical weapons are so morally objectionable. Proponents further assert that the CWC is needed because it establishes an international norm that stigmatizes these weapons; that the CWC will bring us some intelligence we do not now have regarding the possession and manufacture of these weapons; and that it will provide trade benefits to U.S. chemical companies. Finally, they argue that we need to be a party to the treaty to protect our interests as details of implementation are worked out by the various parties.

For the sake of argument, even assuming that these relatively modest benefits claimed for the treaty would in fact materialize, we believe these claimed benefits do not outweigh the costs.

Opponents are convinced that the costs of ratifying the CWC outweigh the advanced benefits in several important respects, including the following: First, it would create a United Nations-style bureaucracy, 25 percent of the cost of which must be paid for by U.S. taxpayers. Second, it would put American businesses under a financially burdensome, security-compromising, and quite possibly unconstitutional inspection regime. Third, it would exacerbate the chemical threat we face by undermining existing multilateral trade restrictions, sanctions, and embargoes the United States has placed on rogue countries like Iran and Cuba. Fourth, it would require information sharing that signatory nations, if so inclined, could use to advance their chemical weapons programs. Fifth, the convention would give the Nation with the largest CW stockpile—Russia—an excuse to abrogate the Bilateral Destruction Agreement [BDA] it entered into with the United States to destroy chemical weapons. And this is not hypothetical speculation—there are growing indications Russia does not intend to comply with the BDA, which is much more restrictive than the CWC. Sixth, the prospect of ratification would create—there are already signs that it is creating—a false sense of security that encourages the United States to let its guard down on defending against the use of chemical weapons against American troops. Seventh, it degrades the value of treaties and moral statements because all nations understand it is unenforceable.

The CWC represents hope over reality. It makes people feel good to say they have done something about a class of weapons we all abhor. But signing this piece of paper is not going to solve the problem—and that's the problem. Hard problems can't be wished away with naive hopes and tough talk in the form of yet another international agreement, no matter how many other nations have signed on.

If the United States is to make a unique moral statement as proponents urge, we shouldn't be stampeded into ratifying this treaty ''because other nations have.'' The United States passed on joining the League of Nations even though, as with the CWC, it had promoted the League in the beginning and many other nations had decided to join it. Too often the international community has pronounced itself greatly pleased at solving the latest crisis with yet another treaty like the Kellogg-Briand Pact of 1928 which outlawed war as an instrument of national policy. And too often, as here, disappointment has followed because of the disconnect between the good intentions and the hard reality. To the argument that we will look bad because it was our idea in the first place, opponents say that real respect is rooted in responsible, honest positions; and that U.S. leadership in taking a different approach will be rewarded in the long term.

It is not possible to ban the manufacture and possession of chemical weapons, and we should not delude ourselves into thinking it is possible. What we can do is back up our demand that no one use chemical weapons, with international cooperation based on the will to punish violators so severely that use is deterred. That too is not easy; but, as the use of nuclear weapons has been deterred, so too can the use of chemical weapons be deterred if we have the will.

THE CWC IS NOT GLOBAL

The original goal of the CWC was that it would ban the manufacture and use of chemical weapons by all the nations of the world. Unfortunately, the countries with chemical weapons that we are most concerned about—Iraq, Libya, Syria, and North Korea—have not yet signed the CWC, let alone ratified it. Pakistan, Iran, and Russia also have chemical weapons programs; while they have signed the agreement, they may not ratify. So, the nations that pose the most serious threat may never fall under the CWC's strictures.

Nor is the CWC global in terms of the chemical substances it covers. While it prohibits the possession of many dangerous chemicals, two that it does not prohibit were employed with deadly effect in World War I: phosgene and hydrogen cyanide. But they are too widely used for commercial purposes to be banned, which speaks volumes about this treaty's impracticality.

Nor does the CWC control as many dangerous chemicals as does an export control regime currently employed by 29 industrialized countries. The Australia Group regime already controls trade in 54 chemicals that could be used to develop chemical weapons. Of the 54 chemicals subject to the Group's export controls, 20 are not covered by

the CWC. That list of 20 includes potassium fluoride, hydrogen fluoride, potassium cyanide, and sodium cyanide, all used in making chemical weapons.

Finally, there are news reports that Russia has produced a new class of binary nerve agents many times more lethal than any other known chemical agents. These agents are reportedly made from chemicals used for industrial and agricultural purposes and are not covered by the CWC. In February 1997, the Washington Times disclosed that under this program, ''the Russians could already produce pilot plant quantities of 55 to 110 tons annually of two new nerve agents—A–232 and A–234. These agents can also reportedly be made from different chemical formulations allowing the agents to be produced in different types of facilities, depending on the raw material and equipment available. For example, one version of an agent can be produced using a common industrial solvent—acetonitrile—and an organic phosphate compound that can be disguised as a pesticide precursor. In another version, soldiers need only add alcohol to a premixed solution to form the final CW agent.

THE CWC IS NOT VERIFIABLE

The second original goal of the convention was that it was to be verifiable. CWC negotiators in Geneva were told by then-Vice President George Bush on April 18, 1984:

For a chemical weapons ban to work, each party must have confidence that the other parties are abiding by it. . . . No sensible government enters into those international contracts known as treaties unless it can ascertain—or verify—that it is getting what it contracted for.

As it turns out, however, the treaty fails to achieve this primary objective as well. A recently declassified portion of an August 1993 National Intelligence Estimate reads:

The capability of the intelligence community to monitor compliance with the Chemical Weapons Convention is severely limited and likely to remain so for the rest of the decade. The key provision of the monitoring regime—challenge inspections at undeclared sites—can be thwarted by a nation determined to preserve a small, secret program using the delays and managed access rules allowed by the Convention.

Former Director of the CIA, James Woolsey, said in testimony two years ago before the Senate Foreign Relations Committee that:

The chemical weapons problem is so difficult from an intelligence perspective, that I cannot state that we have high confidence in our ability to detect noncompliance, especially on a small scale.

The problem, of course, is that manufacture of the ingredients used in chemical weapons is so common, so universal, and so easy that the obstacles to verification are enormous. Processes involved in the production of pesticides, for example, are strikingly similar to the processes used to develop weapons like mustard gas. According to a January 1992 report by a team of analysts led by Kathleen Bailey of the Lawrence Livermore National Laboratory.

Countries which have organophosphorus pesticide plants could convert or divert production toward weapons material without major effort. . . . Competent chemical engineers with diversified experience could design equipment capable of meeting minimum operating objectives. . . . Only a few thousand dollars would be needed for piping and seals, several hundred thousand dollars [would be needed] for specialized equipment.

Not only that, but different processes can be used to produce the same agent. Nations wishing to conceal the development of chemical agents can employ multiple processes. Therefore, unearthing a covert program under the CWC's provisions will be nearly impossible. It just doesn't take much money, much time, much space, or much security to produce chemical weapons.

That adequate verification is illusory under this treaty is now widely acknowledged by technical experts and the U.S. intelligence community alike. Even supporters of the treaty—like former ACDA Director Ken Adelman—confirm that it is not verifiable. In his editorial endorsing the treaty, Mr. Adelman conceded this point up front stating, ''Granted, the treaty is virtually unverifiable. And, granted, it doesn't seem right for the Senate to ratify an unverifiable treaty.''

We also have the experience of the U.N. team charged with inspecting Saddam Hussein's military establishment as proof of the difficulties of detection when a country is determined to develop these weapons. Even with the most intrusive searches—which hundreds of inspectors have conducted over five years in Iraq—evidence of weapons development has only belatedly been uncovered. It is likely that Iraq will continue to have a CW program and that the U.N. inspectors will continue to miss much of it even with intrusive inspection. The CWC's inspection regime pales in comparison to the regime in Iraq, and the treaty's verification provisions will not enable us to catch cheaters.

Terrorist groups present a special problem because they can buy chemicals locally and manufacture weapons in very small spaces. In 1995, the Aum Shinrikyo cult in Japan produced sarin gas from components bought in Japan, and assembled this noxious agent in a room 8 by 12 feet in size, using legitimately produced chemicals.

In addition to the problems just outlined—of dealing with closed societies like Iraq, of sorting out the military from the commercial manufacture of chemicals, and of detecting CW activities that might take place in the smallest of nooks and crannies—concealment is also facilitated by the treaty itself because it allows ample time for inspected parties to hide what they are doing. Judge William Webster, former Director of the FBI and of the CIA, testified before the Senate Foreign Relations Committee that a facility producing chemical warfare agents could be cleaned up—without any trace of chemicals—in under nine hours. Judge Webster said:

Because of the equipment needed to produce chemical warfare agents can also be used to produce legitimate industrial chemicals, any pharmaceutical or pesticide plant can be converted to produce these agents. A nation with even a modest chemical industry could use its facilities for part time production of chemical warfare agents. Libyan Leader Quadaffi, in a speech delivered in October, claimed that the facility at Rabta is intended to produce pharmaceutical, not chemical warfare agents. He proposed opening the complex for international inspection. But within fewer than 24 hours, some say 8½ hours, it would be relatively easy for the Libyans to make the site appear to be a pharmaceutical facility. All traces of chemical weapons production could be removed in that amount of time.

Therefore, the treaty fails to satisfy its two principal premises: it is neither global nor verifiable. Proponents concede this point to one degree or another, but argue that, on balance, it is still better than nothing. Opponents believe, to the contrary, that the treaty would actually create more problems than it solves.

WHAT HARM IN APPROVING THE CWC?

Proponents say the deficiencies in the treaty are outweighed by the moral statement it makes in establishing an international norm against the possession of chemical weapons; by the trade benefits it will bring to U.S. chemical companies; and by marginal gains in intelligence if we become a party to the treaty.

MORAL STATEMENT

By definition, to have the influence and weight of a moral statement, an action must be genuine. A treaty that cannot prevent those who sign on to it from cheating, and that, even if cheating were discovered, would not apply meaningful punishment to the violator—such a treaty is essentially hollow. History shows that hollow declarations are worse than none at all. A commitment honored more in the breach than the observance is not a moral statement; it fools no one and it deters no one.

Proponents of ratification argue that at least this treaty would be a tool in the hands of diplomats who would attempt to dissuade cash-strapped countries from selling chemicals to rogue nations to advance their CW programs. But, countries can easily ignore the treaty and export even the more dangerous chemicals because it is so difficult to verify compliance, and because there is no real enforcement mechanism. The CWC will be adhered to by nations that have no intention of doing what it prohibits —with or without the treaty—and will be ignored by those who choose to ignore it—whether or not they are parties. There simply is no effective enforcement—no ability to catch cheaters and no punishment, in any event.

Under Article XII of the CWC, parties caught violating treaty provisions are simply threatened with a restriction or suspension of convention privileges.

Those privileges are simply the right to participate in the treaty. At worst, a report will be sent to the U.N. General Assembly and the U.N. Security Council. With no predetermined sanctions in place to deter potential violators, the CWC is doomed to ineffectiveness.

Finally, there already is an international norm against chemical weapons that is both global and verifiable. The 1925 Geneva Protocol outlaws the use—not the mere possession—of chemical weapons. In World War II, the Protocol was enforced by the allied leaders' threat to respond in kind to any chemical attack. But after Iraq used chemical weapons against its Kurdish population and Iranian soldiers in the late 1980's, diplomats met to address this heinous war crime. These diplomats, faced with incontrovertible evidence of an Iraqi abrogation of the Geneva Protocol, were not able to agree on sanctioning Iraq and we could not even agree to list that country by name in a statement condemning the attack. If the world community could not muster the will to punish an obvious violation like that, how are the CWC participants going to summon the will to sanction a mere possessor or manufacturer of these weapons on evidence that may be much less conclusive than the proof of use by Iraq?

Indeed, as in Hans Christian Andersen's fairy tale, the real moral statement may be in exposing the naked truth about this ineffectual document. It could be that, despite all the fine words about the treaty—or the emperor's fine clothes—there is actually nothing here.

Given the United States' preeminent position as the sole remaining superpower after the end of the cold war, we should make a moral statement. We do it by destroying our own stocks—which we are doing; by admitting that the CWC is so flawed that it is not effective in its current form; by working to develop an effective enforcement regime for the Geneva Protocol; and by pushing forward with our bilateral CW destruction efforts with Russia and, perhaps, other nations.

There are many multilateral treaties on the books—such as the Law of the Sea Treaty, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of the Child—that make high moral statements which few pay attention to because the United States has not ratified them. There are currently 48 treaties pending before the Senate. Because of the United States' preeminent position, our unilateral actions often speak louder than anything else. To return to the point I made at the outset: we already have a policy in place. Through Public Law 99–145, the United States is committed to destroying the bulk of its chemical weapons by the year 2004. Through our actions we demonstrate U.S. leadership in ridding the world of chemical weapons.

It matters how we make a moral statement. Papering over a problem with a treaty is not an effective moral statement. If everyone knows going into it that the CWC, despite its moral pretensions, is unverifiable and ineffective, this merely engenders cynicism about international treaties. The outrage that the use of these weapons stirs in us is undermined when we enter a treaty with a nod and a wink.

PUBLIC HARM

The argument that the treaty may not be perfect but at least it does not do any harm is not only an exceedingly weak justification for the treaty, but an inaccurate one. There are significant public and private costs were we to participate in the CWC.

First, it creates a new U.N.-type bureaucracy, a new international organization called the Organization for the Prohibition of Chemical Weapons [OPCW], located in The Hague. The OPCW will oversee implementation of the treaty. Based on studies by the Congressional Office of Technology Assessment [OTA] and the General Accounting Office, total direct costs of the treaty to the U.S. taxpayer could reach $200 million annually. That includes the U.S. obligation to cover one-fourth of the operating budget of the OPCW. This year, the administration is requesting a total of nearly $130 million, of which $52 million is destined for the OPCW in The Hague.

Moreover, Russia has said it will not ratify the CWC unless it is given a significant amount of Western aid to pay for the destruction of its chemical weapons. The figure often mentioned in this context is $3.3 billion. But when Russia realizes the magnitude of the undertaking, this may prove to be a drastic underestimation. After all, destruction of the United States chemical stockpile, which is smaller than that of Russia, will cost us at least $11 billion.

HARM TO PRIVATE INDUSTRY

Ratifying the treaty would harm U.S. industry in basically three ways: First, it imposes a costly new regulatory burden on American industry. Second, it is the first arms-control treaty in history that subjects private companies to inspections by agents of foreign governments, which could well portend a loss of trade secrets. Third, for the first time ever, U.S. citizens will be subject to a treaty that involves the reach of international authorities, raising significant constitutional issues. Unlike any treaty we have ever ratified, the CWC requires prosecution of individual American citizens for treaty violations. Its inspection regime poses a potential threat to the constitutional rights of U.S. citizens.

REGULATORY BURDEN

Every U.S. company that produces, processes, or consumes a scheduled chemical will be subject to new regulatory requirements, including a declaration burden. ACDA estimates that 3,000 to 8,000 companies will be affected, although the OTA estimated in 1992 that 10,000 companies would come under the CWC's strictures.

The treaty entails routine inspections of specified chemical producers. ACDA acknowledges that many industries outside the chemical industry will be required to fill out forms and open their books to international inspectors, including:

Sherwin-Williams Co., Safeway Stores, Inc., Quaker Oats Co., Kraft Foods Ingredients, Maxwell House Coffee Co., Conoco, Inc., Gillette Co., Strohs Brewery, ADM Corn Processing Division, Colgate-Palmolive Co., Xerox Corp., Castrol, Inc., General Motors Corp., Goodyear Tire & Rubber Co., Simpson Timber Co., Lockheed-Martin Corp., Kaiser Aluminum, and Browning Seed, Inc.

For some companies, especially small- and medium-sized establishments, the production data reporting requirements in the CWC are budget busters. Depending on the types and numbers of controlled chemicals made or used by the company, these records can run $50,000 to $150,000 per year to maintain and report.

The administration provided me with a list of 81 companies in Arizona that could be affected by the treaty because they utilize industrial chemicals limited by it. I contacted 25 of those companies to find out if it knew about the CWC and its ramifications for them. Many company officials were not aware of the treaty, or were aware of it only vaguely. Several reported back with calculations of what compliance would cost them. One Phoenix company estimates an annual cost of $70,000 a year to complete the treaty's reporting requirements. Officials at the company also told me that tracking the production and use of industrial chemicals back to 1946, as the treaty also requires, ''would be impossible because such historical data no longer exists.'' According to a Tucson construction company, the costs don't end there. As its officials wrote to me: ''In order to state without reservations that we do or do not have in our possession any of the chemicals or their constituents, we would have to either hire a consultant versed in chemistry or put a chemist on our staff for the assurance and determination of our strict adherence.''

Under the treaty, thousands of U.S. companies will be subject to routine inspections. When inspectors show up at its doorstep, one company said, ''we would be greatly concerned that such a visit might compromise confidential business information.''

POTENTIAL LOSS OF PROPRIETARY INFORMATION

The greatest potential for loss of trade secrets is with the challenge inspections that the treaty allows. These challenges could occur at literally any building on U.S. territory—even a company that does not have a CWC reporting requirement. Sophisticated equipment, such as mass spectrometers, will be used by the international inspectors. They can glean proprietary information, such as the process used to

make a biotechnology product. Also, clandestine sampling and data collection by inspectors would be hard to detect and stop.

In 1992, the OTA identified examples of proprietary information that could be compromised:

The formula of a new drug or specialty chemical;

A synthetic route that requires the fewest steps or the cheapest raw materials;

The form, source, composition, and purity of raw materials and solvents;

Subtle changes in pressure or temperature at key steps in the process;

Expansion and marketing plans;

Raw materials and suppliers;

Manufacturing costs;

Prices and sales figures;

Names of technical personnel working on a particular subject; and

Customer lists.

Also according to OTA, the means by which sensitive business information could be acquired by foreign inspectors include the following:

Manifests and container labels that disclose the nature/purity of the feedstock and the identity of the supplier.

Instrument panels that reveal precise temperature and pressure settings for a production process.

Chemical analysis of residues taken from a valve or seal on the production line.

Visual inspection of piping configurations and instrumentation diagrams that could allow an inspector to deduce flow and process parameters.

Audits of plant records.

Clearly, while it is difficult to assess the potential dollar losses that may be associated with the compromise of proprietary business data, information gleaned from inspections and data declarations literally could be worth millions of dollars to foreign competitors, and U.S. companies have little recourse against frivolous inspections.

Proponents of the treaty note that the Chemical Manufacturers Association (CMA) supports the agreement despite its inspection regime. Opponents note that the CMA represents about 190 of the 3,000 to 8,000 companies likely to be affected by the treaty. Other trade associations representing a larger number of firms, like the Aerospace Industries Association of America [AIA], whose firms collectively are the second largest U.S. exporter of goods and services, the U.S. Business Information Committee, and the Small Business Survival Committee oppose the CWC.

LEGAL ISSUES

The Senate Judiciary Committee hearing held on September 10, 1996, confirmed that there are serious legal difficulties associated with the CWC. The international inspections it requires may result in violations of the constitutional rights of the officers of U.S. firms, specifically their rights under the fifth amendment to the U.S. Constitution. Also, attempts to fix these legal shortcomings by changing the implementing legislation confront the problem of striking a balance between respect for the constitutional rights of American citizens, on the one hand, and the need for international inspectors to be as intrusive as possible, on the other hand. The administration believes the treaty strikes the right balance. I believe the treaty institutionalizes the worst of both worlds: an unverifiable treaty that, nevertheless, also infringes on U.S. citizens' constitutional rights. We get a company in Phoenix spending a lot of money opening up its premises and disclosing corporate information, in exchange for which we have no assurance at all that we can deter someone preparing noxious chemical agents halfway around the world.

As Judge Robert Bork said in a recent letter to Senator HATCH that international inspectors collecting data and analyzing samples ''may constitute an illegal seizure'' under the takings clause of the fifth amendment. The U.S. Government owes a citizen just compensation, under this amendment, for an illegal seizure of intellectual property.

Participating in the CWC could result in hundreds of millions of dollars lost to companies from industrial espionage undertaken during or as a result of the international inspection of their facilities. The OTA pointed out in a 1993 report that the chemical industry ''is one of the top five industries targeted by foreign companies and governments and that the problem of industrial espionage is growing.'' The OTA explained just how much is at stake for any given company: ''Development and testing of a new pesticide,'' according to the OTA, ''takes an average of 10 years and $25 million. Innovation in the pharmaceutical industry is even costlier.'' A new drug, estimates the OTA, requires an average of 12 years of research and an after-tax investment of roughly $194 million—estimated in 1990 dollars.'' And please keep in mind these figures do not include the lost revenues due to lost sales.

Incidents of industrial espionage are not uncommon. The OTA study on the CWC also discussed the results of a survey of U.S. companies in which 8 of 11 firms responding reported attempts to misappropriate proprietary business information. The 8 affected companies reported a total of 21 incidents, 6 of which cost the companies $86.25 million.

The CWC does not have a procedure for victimized companies to recover damages, or to punish any foreign inspectors who participated in the theft of proprietary information. In fact, the treaty explicitly prohibits a victimized company from taking legal action against the new international inspection organization. That leaves the U.S. Government to provide indemnity.

A CWC proponent, Professor Barry Kellman of DePaul University, wrote in 1993 that ''loss or disclosure of confidential information of the Technical Secretariat—the agency created by the treaty—may have constitutional implications because trade secret owners are entitled to compensation'' when there are leaks of proprietary information as a result of government action. So, even treaty proponents say ''just compensation'' for takings under the U.S. Constitution may well come into play. We have not adequately considered what kind of a compensation commitment we are making through this treaty, and what kind of an obligation we are letting U.S. taxpayers in for if we ratify it.

An Impossible Balance: Proponents acknowledge there may be legal problems with the treaty; however, the U.S. Senate cannot tinker with the treaty language. Article XXII says that ''the Articles of this Convention shall not be subject to reservations.'' Still, proponents claim that the legal problems can be fixed by carefully crafting the implementing legislation. Fixing the treaty in this way seems doubtful at best—at least if the intention is to leave the treaty as anything more than a fragile shell that will fall apart on the first occasion that someone objects to an inspection on U.S. soil. The administration has now agreed to require criminal warrants and a determination of probable cause for every nonvoluntary challenge inspection and to seek administrative search warrants for nonvoluntary routine inspections. How does this square with our international obligation to allow inspections to proceed? Constitutional fixes to the implementing legislation will not be compatible with the CWC's dependence on an intrusive inspection regime. This incompatibility means that we will have entered into a promise we know, under our Constitution, we will not be able to keep.

Rest assured that we will probably be copied—and by nations that may have something to hide. If the United States argues that it can provide constitutional protections with implementing legislation, countries like Iran, China, or Russia, or any other participating nation will be able to point to what we've done and similarly modify their interpretation of the CWC to suit their own objectives.

Nations of laws like the United States will both comply with the CWC and protect constitutional rights, while violators will use constitutional rights to get away with storing or building chemical weapons. A global ban on possessing chemical weapons that respects constitutional rights, therefore, can be violated at will. And, an airtight ban on possessing chemical weapons—if one were possible—cannot protect constitutional rights. Pointing this out is not trying to have it both ways; rather, it is acknowledging the futility of pursuing this kind of solution.

INTELLIGENCE GAINS FROM THE CWC ARE ILLUSORY

Terrorism

A major advantage of this treaty, according to proponents, is that it will provide U.S. intelligence agencies with information they can use to protect

American citizens. One of the more extravagant claims of CWC proponents in the administration, in fact, is that participating in the CWC will help us fight terrorism. During his State of the Union Address in February, President Clinton said the CWC would ''help us fight terrorism.''

His implication departs from the otherwise relatively objective and limited claims made for the treaty. It is unsubstantiated by any analysis or evidence. A declassified section of a Defense Intelligence Agency document of February 1996 states: ''Irrespective of whether the CWC enters into force, terrorists will likely look upon CW as a means to gain greater publicity and instill widespread fear. The March 1995 Tokyo subway attack by Aum Shinrikyo would not have been prevented by the CWC.''

A CIA report of May 1996, a portion of which has been declassified, makes the same point: ''In the case of Aum Shinrikyo, the CWC would not have hindered the cult from procuring the needed chemical compounds used in its production of sarin. Further, the Aum would have escaped the CWC requirement for an end-use certification because it purchased the chemicals within Japan.'' The CWC does not help deny terrorists easy access to nerve gas and other chemical weapons, among other reasons, because terrorists can simply obtain their chemicals in their own country for ostensibly legitimate purposes—they do not have to import them.

Intelligence regarding nations' CW programs

Nor will participating in what the columnist George Will called ''the Chemical Weapons Convention's impressively baroque, but otherwise unimpressive, scheme of inspection and enforcement'' add much to our knowledge of other countries' CW programs. Former Deputy CIA Director Richard Kerr said it is true that we will know a lot more about some countries, but only those ''that are least likely to develop and use these weapons.'' We will have gone to a lot of trouble and expense, in other words, to learn that Belgium is not violating the treaty. The costs are simply not worth the benefits we gain.

Our real intelligence payoff, as a general matter, is in intrusive U.S. intelligence collection and sophisticated U.S. analysis, not in a group of international inspectors making spot inspections—looking for the proverbial needle in a haystack—and giving plenty of advance notice to anyone actually suspected of violating this treaty. In fact, the international inspectors themselves, according to former Deputy CIA Director Kerr, will have to rely on U.S. intelligence to be able to do their jobs. This compromises our own sensitive information and our own methods of collecting that information.

Intelligence is difficult to gather in a closed society, and the case of United Nations scrutiny of Iraq, which actually used chemical weapons to kill thousands of Kurdish noncombatants in 1988, teaches a sobering lesson. The team of U.N. inspectors concentrating full-time on Iraq—which would not, of course, be the case with the OPCW inspectors who will have worldwide responsibilities—has uncovered some new developments in Saddam Hussein's chemical weapons program, but even their most thorough and sustained inspections have not found everything. Inspections under the CWC, under far less intensive circumstances, will not hamper a regime determined to have these frightful weapons.

Proponents say over and over again that we are better off inside the treaty than outside, because of the store of data we will get out of the reporting regime and the inspection process. But where will this information come from? Being inside the treaty offers little insight into the actions of potential violators because: First, rogue states outside of the treaty will not be inspected by the OPCW; second, the treaty annex states that the OPCW cannot release to any nation information deemed to be confidential; third, while some OPCW inspectors will no doubt be Americans, the treaty annex on confidentiality states that inspectors are required to sign individual secrecy agreements with the OPCW, therefore they can't give American intelligence agencies any proscribed information. If we play by the rules, just where is this intelligence data going to come from?

Finally, history shows that states are not very likely to call attention to treaty violations that intelligence-gatherers learn about because the diplomatic considerations frequently supersede treaty enforcement. Recall, for example, the phased-array radar station at Krasnoyarsk, in the then-Soviet Union, which violated the Anti-Ballistic Missile Treaty. Our intelligence reports were effectively ignored so as not to force the United States to take action against the Soviet Union for violating the treaty. We thought the higher priority was to maintain good relations with the Soviet Union, which would have become strained if we used our intelligence to expose that nation's violations. Russian violations of the Biological Weapons Convention, moreover, are noted each year in ACDA's Pell report on arms-control compliance, yet nothing is ever done to make Russia comply. Intelligence can be helpful until it reveals treaty violations, then it becomes submerged and subordinated to diplomatic considerations.

CHEMICAL INDUSTRY NOT HARMED BY REJECTING CWC

The third claim made by CWC proponents—based largely on the recommendations of the Chemical Manufacturers Association—is that there is financial harm in not ratifying this agreement. But the CMA's argument that we have to get on board this train or we will miss out, is just not true.

The initial estimate from CMA claims that if the Senate fails to consent to ratification of the CWC, U.S. chemical companies will be subject to trade restrictions, which will place $600 million of annual chemical trade at risk. On the surface, CMA appears to have maintained a consistent estimate of the CWC's impact on U.S. chemical trade since the Senate first considered the treaty last September. Close examination of the facts, however, reveals that CMA's estimate has shrunk considerably over time and appears to overstate any potential negative impact of nonratification.

CMA's initial estimate stated that $600 million of annual U.S. chemical exports would be placed at risk.

When the President of the association met with me in February, he explained that CMA had refined its initial estimate and now believed $600 million in two-way trade would be affected, with only $281 million in annual exports of Schedule 2 chemicals placed at risk.

In a letter to me on March 10, CMA revised its figures yet again, stating that the upper-bound estimate now indicated $227 million in annual U.S. Schedule 2 chemical exports would be jeopardized by nonratification.

The $227 million represents about 0.38 percent of total U.S. chemical exports, indicating that if we accept CMA's figures at face value, over 99.6 percent of U.S. chemical exports will be unaffected by failure to ratify the CWC. Even CMA's revised estimate appears to greatly overstate the impact of nonratification.

More than half of CMA's export estimate is based on exports of one chemical—amiton. Amiton is a pesticide ingredient that is banned in the United States, Europe, Japan, and Canada—America's principal chemical export markets—but is widely exported to African states, a large number of which are not CWC signatories. While we may not be able to ascertain the exact percentage of U.S. amiton trade to non-CWC signatories, such trade likely constitutes the bulk of the overall amiton market and would be unaffected by CWC sanctions.

CMA's upper-bound estimate that $426 million in U.S. chemical imports will be affected is also suspect. Over 50 percent of the import estimate is based on trade in one group of chemicals which CMA admits ''may reflect broader chemical families,'' implying the estimate may include trade in related chemicals not restricted by the CWC. In addition, the U.S. has the most advanced chemical industry in the world. Although short term disruptions might occur if United States firms were unable to import certain chemicals, American industry would almost certainly be capable of producing the same chemicals currently purchased from abroad.

In preparing its estimate, CMA used U.S. Government data on chemical trade and a complex methodology which includes estimates of growth in U.S. trade and worldwide GNP, as well

as other factors. CMA did not ask its own member companies—which collectively produce about 90 percent of all chemicals manufactured in the United States—to provide figures on chemical imports and exports. This would have given us a simple, reliable estimate of the actual impact of CWC nonratification. CMA claims its members consider this data to be confidential and would not provide it, although far more detailed accounting will be required under the CWC.

Although CMA has publicly discussed possible business losses from nonratification, none of its member companies have informed their stockholders of any potential adverse impact.

Since the administration pulled the treaty from Senate consideration in September 1996 none of the CMA's 193 members have filed an 8–K form with the Securities and Exchange Commission [SEC], notifying their stockholders of this potential adverse impact and none have discussed it in their annual 10–K filings.

An 8–K filing is required to ''* * * report the occurrence of any material events or corporate changes which are of importance to investors or security holders and previously have not been reported by the registrant.''

Form 10–K is the annual report most companies file with the SEC and provides a comprehensive overview of the firm's business.

CMA claims none of its companies are legally required to file such forms due to uncertainty over whether the CWC will be ratified and since none of the firms will have more than 10 percent of its sales affected by nonratification. The SEC defines material changes as those that affect at least 10 percent of a company's sales. This admission further undermines their position that nonratification will be extremely detrimental to U.S. chemical companies.

Finally, CMA has not determined the costs to its members for CWC implementation. The increased costs of complying with the treaty's reporting requirements and preparing for inspections are substantial. As I mentioned earlier, one Phoenix company estimates it will cost $70,000 per year to comply with the treaty's reporting requirements. In addition, companies will incur substantial costs to host inspections. The Department of Defense has estimated that the cost of hosting inspections of facilities engaged in highly proprietary activities like the production of advanced composite materials ''could be as high as $200,000 to $500,000.''

When we add up the costs of complying with the CWC's regulatory burden, the costs of hosting inspections, the costs from the potential loss of confidential business information, and the loss of constitutional protections, its clear that the costs far outweigh the benefits of this treaty.

FOREIGN AND DEFENSE POLICIES HARMED BY THE CWC

To review, then, all three advantages claimed for this treaty—stigmatizing chemical weapons all across the globe, increased intelligence, maintaining our competitive advantage in the chemical trade—are either nonexistent or so slight they hardly matter considering the serious negative consequences of ratifying this treaty. I would now like to briefly address the harm to our foreign and defense postures were we to accept this agreement in its current form.

THE CWC CREATES A FALSE SENSE OF SECURITY

I believe that we run the risk of reducing the priority of U.S. chemical defense programs if we sign on to a weighty moral statement and a complicated—but ineffective—effort to outlaw these objectionable weapons. The Department of Defense allocates less than 1 percent of its budget to chemical and biological weapons defense activities, and yet annual funding for this area has decreased in real terms by over 22 percent since the Persian Gulf conflict, from $792 million in fiscal year 1992 to $619 million requested for fiscal year 1998. With chemical weapons defense programs already underfunded, the Chairman of the Joint Chiefs of Staff, General Shalikashvili, recommended in February 1996 that chemical and biological defense programs be slashed by over $1.5 billion through 2003. This recommendation was made only weeks before General Shalikashvili testified before the Senate Foreign Relations Committee that the Department of Defense [DOD] was committed to a robust chemical defense program. This is the kind of false sense of security induced by signing treaties such as the CWC.

It should seem obvious that ratifying this treaty does not mean we will not face a chemical threat. Because of the proliferation of covert chemical capabilities, U.S. combat operations may expose military forces to lethal chemicals in the future. Any deficiencies in U.S. chemical protective, reconnaissance, and decontamination capabilities will exacerbate the likely casualties.

This is not a theoretical problem. A 1996 GAO study found that deficiencies in U.S. chemical and biological defense training and equipment identified during Operation Desert Storm still remain.

In testimony before the House Committee on National Security Committee, the GAO stated, ''The primary cause for deficiencies in chemical and biological weapons preparedness is a lack of emphasis up and down the line of command in DOD.'' The situation results from the ''generally lower priority DOD—especially the Joint Chiefs of Staff and the war-fighting Commanders-in-Chief—assigns chemical and biological defense as evidenced by limited funding, staffing, and mission priority chemical and biological defense activities receive.''

If history is any guide, we may well see those vulnerabilities increase. After the Biological Weapons Convention came into force in 1972, the U.S. biological defense program withered, with funding cut by 50 percent—not because defenses were outlawed by that treaty, but because of constant criticism by arms-control advocates who saw them as contrary to the spirit, although not the letter, of the Biological Weapons Convention.

Given the administration's demonstrated lack of emphasis to chemical defenses, we can expect that when financial cuts are required to meet declining budgets, funds for hedging against violations of an allegedly comprehensive treaty will make an attractive target.

TREATY UNDERMINES EXISTING INTERNATIONAL INSTRUMENTS

Saddam Hussein used chemical weapons not only in 1988 against the Kurds, but earlier in the decade against the Iranian population in the Iran-Iraq war. It was in the wake of confirmation of Iraq's use of chemical agents in 1984 that the Australia Group was formed, to try to stop the military use of these substances. The Australia Group regime will be undercut by the more lenient CWC, as I have already indicated. And that is not the only international instrument that will be undercut by this treaty.

U.S.-RUSSIAN BILATERAL DESTRUCTION AGREEMENT

The U.S. approach to the problem posed by Russia—which does not belong to the Australia Group—has been to hammer out a bilateral agreement with that nation. The Bilateral Destruction Agreement of 1990 requires both the United States and Russia to stop producing chemical weapons and to reduce their active stockpiles to no more than 5,000 metric tonnes. The United States has begun to destroy its chemical weapons. Political turmoil in Russia has made ensuring Russian compliance difficult at best. Moscow has not even begun to reduce its stockpile, which is the largest in the world.

Russia has signed the CWC but not yet ratified. Russian officials can now dangle before United States officials the possibility that the Duma will ratify the CWC some day, and in this way justify Moscow's current inaction. Indeed, there are indications that our push to ratify the CWC has moved the Russians toward outright renunciation of the BDA.

Compliance with the BDA begins, of course, with truthful and complete declarations of chemical weapons data. ACDA's 1995 Pell report noted that Russia has refused to accept the BDA's key provisions and has ''taken a minimalist approach to declaration requirements and verification costs of CW production facilities that is inconsistent with the CWC.'' To comply with the 1989 memorandum of understanding with us which led up to the BDA, Russia declared 40,000 metric tonnes of agent. This declaration has prompted

challenges of the veracity of Russian reporting.

CIA Director James Woolsey said in June 23, 1994 testimony before the Foreign Relations Committee that the United States had ''serious concerns over apparent incompleteness, inconsistency and contradictory aspects of the data'' submitted by Russia under the memorandum of understanding. On August 27, 1993, Adm. William Studeman, acting CIA Director, wrote to Senator GLENN that ''We cannot confirm that the Russian declaration of 40,000 mt is accurate. In addition, we cannot confirm that the total stockpile is stored only at the seven sites declared by the Soviets.''

Reports in the Washington Times (11–8–89) and Washington Post (11–9–89) cite Defense Intelligence Agency estimates that the Soviet/Russian stockpile could be as large as 75,000 tons.

Even more troubling are public reports in the Washington Times and Wall Street Journal that Russia has developed highly lethal binary chemical weapons. Dr. Vil Mirzayanov, former chief of counterintelligence at Russia's State Union Scientific Research Institute for Organic Chemistry and Technology, also published his observations in the October 1995 Stimson Center Report No. 17. Dr. Mirzayanov reported that Russia has produced a new class of binary nerve agents many times more lethal than any other known chemical agents: the so-called novichok agents made from chemicals not covered by the CWC which are used for industrial or agricultural purposes. He further reported that Russia continued development of these highly lethal binary weapons despite signing the BDA in 1990.

Dr. Mirzayanov states:

> First, I witnessed the duplicity of Soviet officials during the CWC negotiations. Although the United States stopped producing and testing chemical weapons and signed an agreement with the Soviet Union to that effect in June 1990, the USSR did not stop work.

In a recent letter to me, Dr. Mirzayanov indicated that, to the best of his knowledge, as many as six novichok CW agents may have been developed. Dr. Mirzayanov feels so strongly about the threat from these new agents that he supports the CWC under the mistaken impression that the treaty will eliminate these weapons. Unfortunately, the chemicals used to make novichok agents are not controlled by the CWC, Russia has not ratified the treaty, and it's unlikely we would be able to detect illicit production of the component chemicals of these agents. Our intelligence community described this problem in a May 1995 national intelligence estimate which concluded that the production of new binary agents like the novichok chemicals, ''would be difficult to detect and confirm as a CWC-prohibited activity.''

Clinton administration claims that the chemicals used to produce the novichok agents will simply be added to the CWC's list of controlled substances understate the danger and difficulty of this proposition.

Should the United States learn the composition of such agents, it is unlikely we would seek to add these chemicals to the CWC annex since adding the compounds means making public the chemical structure of the agent, thereby undermining efforts to limit the spread of CW expertise and knowledge to rogue states.

In addition, adding a chemical to the CWC annex is a long, convoluted process which could take up to 2 years and require the concurrence of two-thirds of CWC states parties.

Finally, the component chemicals of the novichok agents may be so widely used for commercial purposes—like phosgene, which was used as a CW agent in World War I—that it may not be practical to add them to the lists of controlled chemicals.

The actions of key Russian personnel highlight Russia's lack of commitment to the CWC itself. Lt. Gen. Anatoly Kuntsevich, former chairman of the Russian President's Committee on Conventional Problems of Chemical and Biological Weapons, was arrested on charges of selling military chemicals to Middle East terrorists. Col. Gen. S.V. Petrov openly alluded to the desirability of maintaining a chemical weapons capability in a Russian military journal entitled ''Military Thought.'' Both individuals are high-ranking military signatories to the ''U.S.-Russian Work Plan for the Destruction of Russia's Chemical Weapons.''

With that as our background, we should be very cautious about expecting Russia, even if its legislature should ratify the CWC, to take a new multilateral commitment on chemical weapons seriously.

PROLIFERATION AMONG PARTICIPANTS IN THE CWC

The CWC's potential to facilitate proliferation is not limited to its pernicious effects on Australia Group controls. It may also undermine existing unilateral United States sanctions against Iran and Cuba. Chemical exports to Iran were embargoed by the Reagan administration on March 30, 1984. That embargo is still in force, as is the embargo against Fidel Castro declared in 1962. The United States imposed secondary sanctions last year on foreign companies that aid the oil industries of Iran or Libya.

These kinds of embargoes and sanctions are prohibited among the family of nations that decide to join this convention. Article XI of the treaty provides that state parties shall:

> Not maintain among themselves any restrictions, including those in any international agreements, incompatible with the obligations undertaken under this Convention, which would restrict or impede trade and the development and promotion of scientific and technological knowledge in the field of chemistry for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes.

In other words, if the United States and Iran were to ratify the convention—as Cuba has already done—Teheran would have a powerful claim to override American-led restrictions in the chemical field.

Article XI further specifies that states parties shall:

> Undertake to facilitate, and have the right to participate in, the fullest possible exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under this Convention.

This provision repeats the mistake made in the Nuclear Nonproliferation Treaty—the so-called Atoms for Peace initiative—under which ostensibly peaceful technology has been provided to nations who then diverted it to proscribed military purposes. Neither a United States trade embargo, nor legislation like the Helms-Burton bill, nor the Australia Group export control regime, nor any other arrangement can interfere with Teheran's or Havana's right to demand access to state-of-the-art chemical manufacturing capabilities.

To those who ask, what's the harm of approving this treaty? I think it is now clear that the answer is, plenty. It does not erect a barrier against CW proliferation; in fact, as just noted, it increases the likelihood of proliferation. In this and all of the other ways I have described, the convention would be very detrimental to the interests of United States and its citizens—especially when compared to the anemic benefits of ratification.

IF NOT THE CWC, THEN WHAT?

Opponents of the CWC are committed to meaningful efforts to prevent the use of chemical weapons. We should start with first principles.

ENFORCING THE 1925 GENEVA PROTOCOL

An effective treaty should be global and verifiable. The 1925 Geneva Protocol is both: it covers all nations of concern to the United States and, because it outlaws the lethal use of chemical weapons, it is inherently verifiable. Victims of use have every reason to expose treaty violations, as the Iranians and the Kurds did. By definition, outlawing use is a more realistic goal than the CWC's goal of outlawing possession of these common substances. What is necessary—for both treaties—is effective enforcement. In World War II, the enforcement of the Geneva Protocol was the allied leaders' threat to retaliate in kind to any chemical attack. The Geneva Protocol was effective during that conflict. But it has not been well enforced outside of the context of a threat of retaliation in kind. Such threats fade in effectiveness as civilized nations grow more and more reluctant to contemplate ever using these abhorrent weapons.

To make the Protocol more than a ''no first use'' agreement—in other words, to free it of its dependence on a credible threat of retaliation in kind—would require states that are party to

it impose strong sanction to any and all violations. This did not happen when Iraq used chemical weapons in the mid-1980's and later in the decade. Diplomats met in 1989 to address the gassing of the Kurds and, faced with incontrovertible proof of an abrogation of the Geneva Protocol, did not sanction Iraq. Many experts believe that the most productive measure to counteract chemical weapons is to develop meaningful international sanctions that could be added to the Geneva Protocol to give it teeth. Had a Geneva Protocol enforcement mechanism been in place and acted upon when Iraq first used its CW arsenal, Iraq's further refinement of a chemical war-fighting capability may have been slowed or even halted before Saddam threatened U.S. soldiers with these same weapons during the gulf war.

This approach offers a significant advantage: it would resolve the verification issue. It is relatively easy to detect use as opposed to possession. It is likely that a nation on the receiving end of a chemical attack would welcome international inspectors to confirm that a violation has occurred and to garner worldwide condemnation of the perpetrator. The second advantage is that, as I earlier indicated, several of the nations we are most worried about—that have not ratified the CWC—have already ratified the Geneva Protocol. I am speaking of Cuba, Iraq, North Korea, and the former Soviet Union.

PRESSING RUSSIA TO UPHOLD ITS EXISTING COMMITMENTS

In addition, the United States must make a high priority holding Russia to its commitments under the 1989 memorandum of understanding and the 1990 bilateral agreement to destroy chemical weapons. The current administration has not been forceful in making clear we expect compliance. Progress made between the two countries on this issue need not be wasted, if we really mean to do something about chemical warfare.

IMPLEMENTING THE CHEMICAL AND BIOLOGICAL WEAPONS THREAT REDUCTION ACT (S.495)

Finally, there are additional steps we can, and should, take. The Senate passed on March 20 the Chemical and Biological Weapons Threat Reduction Act (S. 495). This legislation provides a comprehensive package of domestic and international measures aimed at reducing chemical, as well as biological, weapons threats to the United States, its citizens, its armed forces and those of our allies. It sets forth practical and realistic steps to achieve this objective.

The act fills important gaps in U.S. law by outlawing the entire range of chemical and biological weapons activities. Quite remarkably, the possession of chemical weapons is not today a criminal offense. S. 495 corrects that untenable situation, and sets out still criminal, civil, and other penalties the spectrum of chemical and biological weapons related activities.

The act will also strengthen and reinforce deterrence against the use of chemical and biological weapons. Strong controls on trade in these weapons, as called for in the legislation, will make it more difficult and raise the costs for rogue nations to acquire offensive chemical and biological weapons capabilities. Improvements in U.S. and allied chemical and biological defenses, also mandated by the act, will serve to devalue the potential political and military utility of these weapons by would-be opponents. And the requirement that tough sanctions be imposed against any nation that uses poison gas should reduce the chance that such weapons would be used in the first place.

S. 495 recognizes that we can't go it alone when it comes to dealing with chemical and biological weapons threats. True, some things we can and should do on a unilateral basis. But sensible international action, focused on concrete and achievable measures, must likewise be an essential component of our strategy. The legislation encourages our allies and potential coalition partners to match our efforts and improve their military capabilities against chemical and biological weapons. The legislation also seeks multilateral agreement on enforcement mechanisms for the 1925 Geneva Protocol.

The Chemical and Biological Weapons Threat Reduction Act thus provides a sensible and effective plan that CWC critics and proponents alike should support. By enacting and implementing the act, the United States will lead by example, and will underscore its commitment to bringing together like-minded friends and allies to make unthinkable the resort to chemical or biological weapons.

CONCLUSION

Arms-control treaties, at the end of the day, are not a substitute for defense preparedness. A treaty as flawed as the Chemical Weapons Convention is worth less to our country than the unilateral actions the United States can and must take to ensure the protection and the survival of its citizens. The entry into force of the CWC—with or without American participation—will not bring us a world in which these terrible weapons are no longer manufactured or stockpiled. Nor can we say they will never be used. When words, diplomacy, and international documents signed with the best of intentions fail to protect populations from the threat of attack with these inhuman weapons, every nation falls back upon its ability to preempt or repel such an attack. It would be irresponsible to let down our guard in this respect, for history has shown us that treaties—even well-crafted ones—cannot replace the political and military will that are necessary to oppose acts of aggression.●

IN MEMORY OF OWEN WILLIAMS

● Mr. COVERDELL. Mr. President, too often, it seems good deeds and public service go unrecognized while it is precisely the proprietors of these acts who hold our communities together. I would like to take a moment to recognize one of these proprietors who I call unsung heroes. On Saturday, March 1 of this year, a dear friend and colleague of mine, Owen Williams, and his son, Alfredo, were tragically killed by a drunk driver in my home State of Georgia.

Owen was a true hero in my eyes—bright, devout, and committed to his wife Carolyn and eight children. A former Vietnam combat veteran, Owen was dedicated to his community, his country, and his God.

When I issued a call to action for Georgians to help reduce the rising tide of teen drug use, Owen was one of the first to answer. He served in a volunteer capacity as chairman of the Bibb County Operation Drug Free Georgia Committee and was making great strides in his community with the program.

This Saturday, at our second annual statewide drug summit, which is dedicated to the memory of Owen and Alfredo, I will present the First American Hero Award to Owen's family for the great contributions he made to those around him. It has been said that the mark of a great man is that his deeds touch the lives of others even after he is gone. I know this will be true of Owen. This is a tragic loss, particularly for me, but the work that Owen has done will continue to serve as an inspiration to us all.●

CHILDREN'S HEALTH INSURANCE PROVIDES SECURITY (CHIPS) ACT

● Mr. CHAFEE. Mr. President, yesterday I introduced S. 674 along with Senator ROCKEFELLER and others. I ask that the text of bill S. 674 be printed in the RECORD.

The text of the bill follows:

S. 674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Children's Health Insurance Provides Security (CHIPS) Act of 1997''.

SEC. 2. ENCOURAGING STATES THROUGH INCREASED FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP) TO EXPAND MEDICAID COVERAGE OF CHILDREN AND PREGNANT WOMEN.

(a) INCREASED FMAP FOR MEDICAL ASSISTANCE FOR CERTAIN INDIVIDUALS.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (b), by adding at the end the following new sentence: ''Notwithstanding the first sentence of this subsection, in the case of a State plan that meets the conditions described in subsection (t)(1), with respect to expenditures for medical assistance for individuals within an optional coverage group (as defined in subsection (t)(2)) the Federal medical assistance percentage is equal to the enhanced medical assistance